

**FILED**

JUL 26 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GUSTAVO SAHAGUN-CONTRERAS )  
 )  
Defendant. )

No. CR-10-00265 DLJ (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Gustavo Sahagun-Contreras is charged in an indictment with illegally re-entering the United States, in violation of 8 U.S.C. § 1326. On July 26, 2010, the United States moved for Mr. Sahagun-Contreras' detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). On this same date, Mr. Sahagun-Contreras waived his right for now to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present information by proffer or

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1 otherwise), but he retained his right to raise any additional relevant information at a later hearing.  
2 The Court also notes that Mr. Sahagun-Contreras is subject to an immigration detainer issued by  
3 Immigration and Customs Enforcement ("ICE").

4 After considering the limited information available to the Court, and the factors set forth  
5 in 18 U.S.C. § 3142(g), the Court detains Mr. Sahagun-Contreras a serious risk of flight and  
6 finds that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably  
7 assure his appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*,  
8 767 F.2d 1403, 1406 (9th Cir. 1985).


## 9 II. CONCLUSION

10 The Court detains Mr. Sahagun-Contreras as a serious flight risk. Because Mr. Sahagun-  
11 Contreras waived the timing of his right to present information under 18 U.S.C. § 3142(f)  
12 without prejudice to raising relevant information at a later hearing, the Court orders that the  
13 hearing may be reopened at Mr. Sahagun-Contreras' request at any future time.

14 Mr. Sahagun-Contreras shall remain committed to the custody of the Attorney General.

15 IT IS SO ORDERED.

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18 DATED: July 26, 2010



19 DONNA M. RYU  
20 United States Magistrate Judge  
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